

By Senator Saunders

25-722-01

1 A bill to be entitled
2 An act relating to behavioral healthcare
3 services; amending s. 394.66, F.S.; amending
4 legislative intent with respect to alcohol,
5 drug abuse, and mental health services;
6 creating s. 394.741, F.S.; providing
7 accreditation requirements for providers of
8 behavioral healthcare services; defining the
9 term "behavioral healthcare services";
10 requiring certain service providers to obtain
11 accreditation under this section by a specified
12 date; providing for rulemaking by the
13 Department of Children and Family Services and
14 the Agency for Health Care Administration;
15 providing for the department and the agency to
16 have access to data submitted to accrediting
17 organizations; allowing the department and the
18 agency to perform followup monitoring of
19 deficiencies identified by accrediting
20 organizations; requiring the department and the
21 agency to report to the Legislature on the
22 practicability of privatizing all licensure and
23 monitoring functions; providing that the
24 accreditation requirements of this section
25 apply immediately to certain currently
26 accredited organizations; amending ss. 394.90,
27 397.411, F.S.; requiring, rather than allowing,
28 the agency and the department to accept the
29 surveys and inspections of accrediting
30 organizations; providing an effective date.
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1 Be It Enacted by the Legislature of the State of Florida:

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3 Section 1. Subsections (13) and (14) are added to
4 section 394.66, Florida Statutes, to read:

5 394.66 Legislative intent with respect to substance
6 abuse and mental health services.--It is the intent of the
7 Legislature to:

8 (13) Ensure that best practices are followed and that
9 alcohol, drug abuse, and mental health services that are
10 provided under contract are maintained at the highest level of
11 quality care through the achievement of national
12 accreditation.

13 (14) Ensure that the state agencies that license and
14 monitor providers who are under contract perform in the most
15 cost-efficient and effective manner with limited duplication
16 and disruption to the organizations that provide services.

17 Section 2. Section 394.741, Florida Statutes, is
18 created to read:

19 394.741 Accreditation requirements for providers of
20 behavioral healthcare services.--

21 (1) As used in this section, the term "behavioral
22 healthcare services" means mental health and
23 substance-abuse-treatment services.

24 (2) Any organization that is licensed by the agency
25 and is under contract with the department or the agency to
26 provide behavioral healthcare services, or that participates
27 in the Medicaid community mental health services or targeted
28 case-management programs, must be accredited in accordance
29 with this section no later than July 1, 2006.

30 (3) Notwithstanding any provision of law to the
31 contrary, accreditation by the following means must be

1 accepted by the agency in lieu of its own facility-licensure
2 requirements and by the department as a substitute for its
3 administrative and program-monitoring requirements, except as
4 required under subsection (4):

5 (a) Any organization from which the department or the
6 agency purchases behavioral health care services must be
7 accredited by the Joint Commission of Healthcare Organizations
8 or must have those programs that are being purchased by the
9 department or the agency accredited by the Commission on
10 Accreditation of Rehabilitation Facilities.

11 (b) Any network of providers from which the department
12 or the agency purchases behavioral healthcare services must be
13 accredited by the Joint Commission of Healthcare Organizations
14 or the National Committee for Quality Assurance. Accreditation
15 of the network is to be accepted in lieu of accreditation
16 requirements for an individual organization that is part of
17 the network.

18 (4) The department and the agency may adopt rules that
19 establish:

20 (a) Additional standards for monitoring and licensing
21 programs and facilities which the department and the agency
22 have determined are necessary to protect the safety and
23 welfare of clients. These standards and the associated
24 monitoring must not duplicate the standards and processes
25 already covered by the accrediting bodies.

26 (b) A sampling methodology, standards, and procedures
27 for a system of validation inspections of accredited
28 organizations that are in the middle of a 3-year accreditation
29 cycle, in order to substantiate that accredited organizations
30 are maintaining compliance with identified critical standards.
31 The rule may include a process for reviewing all organizations

1 24 months after accreditation to substantiate that
2 accreditation standards are still being met.

3 (5) The department and the agency must be given access
4 to all accreditation reports, corrective-action plans, and
5 performance data submitted to the accrediting organizations.
6 When major deficiencies, as defined by the accrediting
7 organization, are identified through the accreditation
8 process, the department and the agency may perform followup
9 monitoring to assure that such deficiencies are corrected and
10 that the corrections are sustained over time.

11 (6) The department and the agency shall report to the
12 Legislature by May 1, 2003, on the practicability of
13 privatizing all licensure and monitoring functions through an
14 accrediting organization.

15 (7) The accreditation requirements of this section
16 apply to organizations that are under contract and that are
17 already accredited on the effective date of this section.

18 Section 3. Subsection (5) of section 394.90, Florida
19 Statutes, is amended to read:

20 394.90 Inspection; right of entry; records.--

21 (5)(a) The agency shall ~~may~~ accept, in lieu of its own
22 inspections for licensure, the survey or inspection of an
23 accrediting organization, if the provider is accredited in
24 accordance with s. 394.741 and the agency receives the report
25 of the accrediting organization. ~~The department, in~~
26 ~~consultation with the agency, shall develop, and adopt by~~
27 ~~rule, specific criteria for assuring that the accrediting~~
28 ~~organization has specific standards and experience related to~~
29 ~~the program area being licensed, specific criteria for~~
30 ~~accepting the standards and survey methodologies of an~~
31 ~~accrediting organization, delineations of the obligations of~~

1 ~~accrediting organizations to assure adherence to those~~
2 ~~standards, criteria for receiving, accepting and maintaining~~
3 ~~the confidentiality of the survey and corrective action~~
4 ~~reports, and allowance for the agency's participation in~~
5 ~~surveys.~~

6 ~~(b) The agency shall conduct compliance investigations~~
7 ~~and sample validation inspections to evaluate the inspection~~
8 ~~process of accrediting organizations to ensure minimum~~
9 ~~standards are maintained as provided in Florida statute and~~
10 ~~rule. The agency may conduct a lifesafety inspection in~~
11 ~~calendar years in which an accrediting organization survey is~~
12 ~~not conducted and shall conduct a full state inspection,~~
13 ~~including a lifesafety inspection, if an accrediting~~
14 ~~organization survey has not been conducted within the previous~~
15 ~~36 months. The agency, by accepting the survey or inspection~~
16 ~~of an accrediting organization, does not forfeit its right to~~
17 ~~perform inspections.~~

18 Section 4. Section 397.411, Florida Statutes, is
19 amended to read:

20 397.411 Inspection; right of entry; records.--

21 (1)(a) An authorized agent of the department may enter
22 and inspect at any time a licensed service provider to
23 determine whether it is in compliance with statutory and
24 regulatory requirements.

25 (b) An authorized agent of the department may, with
26 the permission of the person in charge of the premises or
27 pursuant to a warrant, enter and inspect any unlicensed
28 service provider it reasonably suspects to be operating in
29 violation of any provision of this chapter.

30 (c) An application for licensure as a service provider
31 under this chapter constitutes full permission for an

1 authorized agent of the department to enter and inspect the
2 premises of such service provider at any time.

3 (2)(a) The department shall ~~may~~ accept, in lieu of its
4 own inspections for licensure, the survey or inspection of an
5 accrediting organization, if the provider is accredited in
6 accordance with s. 394.741 and the department receives the
7 report of the accrediting organization. ~~The department shall~~
8 ~~develop, and adopt by rule, specific criteria for assuring~~
9 ~~that the accrediting organization has specific standards and~~
10 ~~experience related to the program area being licensed;~~
11 ~~specific criteria for accepting the standards and survey~~
12 ~~methodologies of an accrediting organization; delineations of~~
13 ~~the obligations of accrediting organizations to assure~~
14 ~~adherence to those standards; criteria for receiving,~~
15 ~~accepting, and maintaining the confidentiality of the survey~~
16 ~~and corrective action reports; and allowance for the~~
17 ~~department's participation in surveys.~~

18 (b) ~~The department shall conduct compliance~~
19 ~~investigations and sample validation inspections to evaluate~~
20 ~~the inspection process of accrediting organizations to ensure~~
21 ~~minimum standards are maintained as provided in Florida~~
22 ~~statute and rule. The department may conduct a fire, safety,~~
23 ~~and health inspection in calendar years in which an~~
24 ~~accrediting organization survey is not conducted and shall~~
25 ~~conduct a full state inspection, including a lifesafety~~
26 ~~inspection, if an accrediting organization survey has not been~~
27 ~~conducted within the previous 36 months. The department, by~~
28 ~~accepting the survey or inspection of an accrediting~~
29 ~~organization, does not forfeit its right to perform~~
30 ~~inspections.~~

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1 ~~(3) Notwithstanding the confidentiality provisions of~~
2 ~~this chapter, a designated and authorized agent of the~~
3 ~~department may access the records of the clients of licensed~~
4 ~~service providers, but only for purposes of licensing,~~
5 ~~monitoring, and investigation. The department may interview~~
6 ~~clients, as specified by rule.~~

7 ~~(4) The authorized agents of the department shall~~
8 ~~schedule periodic inspections of licensed service providers in~~
9 ~~order to minimize costs and the disruption of services;~~
10 ~~however, such authorized agents may inspect the facilities of~~
11 ~~any licensed service provider at any time.~~

12 ~~(5) The department shall maintain as public~~
13 ~~information, available to any person upon request and upon~~
14 ~~payment of a reasonable charge for copying, copies of~~
15 ~~licensure reports of licensed providers.~~

16 Section 5. This act shall take effect July 1, 2001.

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19 SENATE SUMMARY

20 Amends legislative intent with respect to alcohol, drug
21 abuse, and mental health services. Provides accreditation
22 requirements for providers of "behavioral healthcare
23 services," as that term is defined in the act. Requires
24 certain service providers to obtain accreditation under
25 newly created s. 394.741, F.S., by July 1, 2006. Provides
26 for rulemaking by the Department of Children and Family
27 Services and the Agency for Health Care Administration.
28 Provides for the department and the agency to have access
29 to data submitted to accrediting organizations. Allows
30 the department and the agency to perform followup
31 monitoring of deficiencies identified by accrediting
 organizations. Requires the department and the agency to
 report to the Legislature, by May 1, 2003, on the
 practicability of privatizing, through an accrediting
 organization, all licensure and monitoring functions
 relating to entities that provide behavioral healthcare
 services. Provides that the accreditation requirements
 apply to currently accredited organizations that are
 under contract. Requires, rather than allows, the agency
 and the department to accept the surveys and inspections
 of accrediting organizations.